

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

BRIAN WITT,

Plaintiff,

vs.

NAVY FEDERAL CREDIT UNION,

Defendant.

CV 25-16-BU-TJC

**ORDER**


Defendant has filed a Motion to Strike Doc. 13, or in the Alternative, Unopposed Motion for Leave to File a Sur-Reply. (Doc. 16.) Defendant contends Doc. 13 is an improperly filed sur-reply. Plaintiff opposes Defendant's motion to strike, but does not object to Defendant's alternative request for leave to file a sur-reply. (Docs. 18, 19.)

Local Rule 7.1(d)(1)(D) provides that after a reply brief is filed, "[n]o further briefing is permitted without prior leave." Here, Defendant filed a Motion to Dismiss (Doc. 5), Plaintiff responded (Doc. 8), and Defendant replied (Doc. 9). At that point, no further briefing was permitted without leave of Court. Nevertheless, Plaintiff improperly filed a sur-reply (Doc. 13) without obtaining leave of Court.

However, in light of Plaintiff's *pro se* status, the Court finds good cause to deny Defendant's Motion to Strike, and grant Defendant's alternative, unopposed request for relief. Accordingly, IT IS HEREBY ORDERED:

1. Defendant's Motion to Strike (Doc. 16) is **DENIED**.
2. Defendant's Alternative Unopposed Motion for Leave to File a Sur-Reply (Doc. 16) is **GRANTED**. Defendant may file a sur-reply limited to addressing Plaintiff's arguments raised in Doc. 13. Defendant's sur-reply shall be limited to 1,625 words.
3. No further briefing is permitted. Plaintiff is advised that any additional improperly filed sur-replies will be disregarded and not considered by the Court.

DATED this 7th day of April, 2025.

  
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TIMOTHY J. CAVAN  
United States Magistrate Judge